

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

MICHAEL MASH	:	
	:	Case No.
Plaintiff,	:	
	:	
v.	:	
	:	
NCO FINANCIAL	:	
SYSTEMS, INC.	:	
	:	
Defendant.	:	
	:	
	/	

**VERIFIED COMPLAINT**

MICHAEL MASH (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against NCO FINANCIAL SYSTEMS, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant does business in the state of Iowa, therefore personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

### **PARTIES**

5. Plaintiff is a natural person residing in Boone, Boone County, Iowa
6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).
7. Defendant is a collection agency with a business office in Horsham, Pennsylvania.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

9. In or around November of 2010, Defendant began placing collection calls to Plaintiff's home from numbers that included but not limited to 888-899-5920.
10. On November 13, 2010 at 11:14 a.m., December 4, 2010 at 10:17 a.m., December 13, 2010 at 8:19 a.m., December 14, 2010 at 7:01 p.m. and December 15, 2010 at 8:12 p.m. as well as other times, Defendant placed collection calls to Plaintiff asking for a woman who was not at his number.
11. On the dates and times notes above as well as multiple other times, Plaintiff informed Defendant that it had the wrong number and to stop calling.
12. On at least five occasions, Plaintiff called back to inform Defendant's

representative, Ms. Whitlock (“Whitlock”), that it had the wrong number.

13. Despite multiple contacts with Defendant to inform it that it had the wrong number and to stop calling, Defendant continued to communicate with Plaintiff in an attempt to collect the alleged debt.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with intent to annoy, abuse or harass Plaintiff at the number called.

Wherefore, Plaintiff, MICHAEL MASH, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
16. Costs and reasonable attorneys’ fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, MICHAEL MASH, demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

Dated: February 7, 2011

By: /s/ J.D. Haas

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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF IOWA )

Plaintiff, MICHAEL MASH, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MICHAEL MASH, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1/27/11  
Date

  
MICHAEL MASH